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PCT

Docket No.: 12810-00041-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Norbert Güntherberg et al.

Application No.: 10/527,929

Confirmation No.: N/A

Filed: March 16, 2005

Art Unit: N/A

For: APPARATUS FOR EXTRUDING
THERMOPLASTICS

Examiner: Not Yet Assigned

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Attached is a copy of the IPER for the counterpart PCT application. It is noted that all of claims 1-16 were found to have Novelty and Industrial applicability. Claims 2-3, 5-7, 10-11 and 13-15 were also found to have Inventive step.

With regard to the seven listed references the references identified as D1, D2, D3 and D6 have already been cited in an Information Disclosure Statement. Attached hereto is a Supplemental Information Disclosure Statement with regard to references D4, D5 and D7.

Respectfully submitted,

By Harold Pezzner
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From the INTERNATIONAL BUREAU

US-Conn.

PCTNOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

To:

Patente, Marken u. Lizenzen
10. Mai 2005BASF AKTIENGESELLSCHAFT
67056 Ludwigshafen
ALLEMAGNE

AST

EZ
Phere beendet 22.03.05Date of mailing (day/month/year)
06 May 2005 (06.05.2005)Applicant's or agent's file reference
0000053939**IMPORTANT NOTIFICATION**International application No.
PCT/EP2003/009941 •International filing date (day/month/year)
08 September 2003 (08.09.2003)

Applicant

BASF AKTIENGESELLSCHAFT et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, GH, KG, KP, KR, MK, MZ, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EP, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

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HHS

Translation

PATENT COOPERATION TREATY

PCT/EP2003/009941



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0000053939	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2003/009941	International filing date (day/month/year) 08 September 2003 (08.09.2003)	Priority date (day/month/year) 20 September 2002 (20.09.2002)
International Patent Classification (IPC) or national classification and IPC B29C 47/76		
Applicant BASF AKTIENGESELLSCHAFT		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.	
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>3</u> sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand 05 March 2004 (05.03.2004)	Date of completion of this report 13 January 2005 (13.01.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2003/009941

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 1-43 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* 1-16 received by this Authority on 05 March 2004 (05.03.2004)
- pages* _____ received by this Authority on _____
- ☐ the drawings:
- pages _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/09941

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-16	YES
	Claims		NO
Inventive step (IS)	Claims	2, 3, 5-7, 10, 11, 13, 14, 15	YES
	Claims	1, 4, 8, 9, 12, 16	NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims		NO

2. Citations and explanations

1 Reference is made to the following documents*:

D1: US-A-4 491 417 (HOLD PETER ET AL) 1 January 1985 (1985-01-01)

D2*: WO 98 13412 A (BASF AG; BUS KLAUS (DE); MAILAHN ELMAR (DE); GRABOWSKI SVEN (DE);) 2 April 1998 (1998-04-02)

D3: PATENT ABSTRACTS OF JAPAN, Vol. 009, No. 238, (M-416), 25 September 1985 (1985-09-25) & JP 60 092824 A (TOSHIBA KIKAI KK), 24 May 1985 (1985-05-24) & DATABASE WPI Week 198527 Derwent Publications Ltd., London, GB; AN 1985-162455 & JP 60 092824 A

D4: US 4578455 A

D5: GB 668394 A

D6: CH 512979 A

D7: US 3371379 A

* Document D2 is mentioned only by way of information.

2 Inventive step

The present application does not meet the

requirements of PCT Article 33(1) because the subject matter of claims 1 and 16 does not involve an inventive step (PCT Article 33(3)).

- 2.1 Document D4 (the references between parentheses refer to that document), which is regarded as the closest prior art, discloses a device that is suitable for extruding thermoplasts, said device comprising at least one dosing section, a **plastifying section** (claim 1), a degassing aperture, **in the form of a cavity or a hole** (column 3, lines 47 to 53) **in the extruder housing**, and a **discharge zone**, a porous screen being secured in at least one degassing aperture (column 4, lines 9 to 17), from which the subject matter of claim 1 differs in that the screen is not porous, but is a woven metal wire cloth composite plate, a finely perforated plate or a slotted screen.

The technical effect of the above feature is based on the fact that the three types of screens are easier to produce than porous screens; see page 2, lines 36 and 37 and page 2 lines 36 to 40 of the description.

The present invention can therefore be considered to address the problem of simplifying the design of the screen.

It is a matter of common practice in the art to use the three types of screens (see document D1, figure 2; document D5, page 3, line 101 to page 4, line 10; document D6, column 1, lines 16 to 19; document D7, column 3, lines 10 to 26). The inclusion of these features in the device described in document D4

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would be an obvious, routine design measure to a person skilled in the art for solving the problem of interest.

2.2 The same argument applies to claim 16.

2.3 Dependent claims 4, 8, 9 and 12 do not appear to contain any additional features which, in combination with the features of any claim to which claims 4, 8, 9 and 12 refer back, meet the PCT requirements for inventive step. The reasons are as follows:

The features of claims 4, 8, 9 and 12 are already known from document D4 (see document D4, figures 1 and 2).

3 Additional observations

3.1 The term "**finely** perforated plate" without any indication as to the size of the holes is interpreted by the examiner as "perforated plate".

3.2 The combinations of features contained in dependent claims 2, 3, 5 to 7, 10, 11, 13, 14 and 15 are not disclosed by the available prior art.

3.3 The description does not cite documents D1, D3, D4 and D5 or outline the relevant prior art contained therein (PCT Rule 5.1(a)(i) to (vi)).